

REMARKS/ARGUMENTS

Pending claims 1-18 stand rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,052,600 (Fette). Applicant respectfully traverses the rejection.

With regard to claim 1, Applicant respectfully disagrees that Fette discloses a control unit to determine whether configuration of a portable device is desired. In this regard, the Office Action refers to column 2, lines 34-45 and Fig. 3 of Fette to support this contention. However, neither these portions nor any other portion of Fette disclose that a control unit determines whether a configuration of the portable device is desired. Instead, Fette merely discloses that a radio may send a request for information through a base station to a server. Thus, nowhere does Fette disclose a control unit to determine whether configuration of a portable device is desired.

Furthermore, the additional portions of Fette cited by the Office Action nowhere disclose that a control unit determines whether configuration of a portable device is desired. Instead these portions (including column 3, lines 31-34, column 4, lines 25-34 and column 7, lines 42-48) merely disclose that the radio is configured to operate within a network and transmit a request for information through a wireless channel, and that the request may be a message to request a software program, such as a short message service (SMS) message. Accordingly, nowhere does Fette disclose a control unit to determine whether configuration information for a portable device is desired.

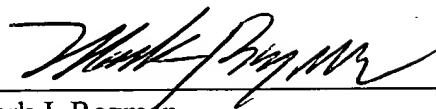
For at least these reasons, claim 1 and claims 2-7 depending therefrom are patentable. For similar reasons, claim 8 and claims 9-12 depending therefrom, and claims 13 and claims 14-18 depending therefrom are also patentable.

New claims 31-38 are patentable, as each depends directly or indirectly from one of independent claims 1 or 8.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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